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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,839	08/27/1999	CRAIG R. WHITE	10990926-1	8353

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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2158

DATE MAILED: 09/13/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

73

Office Action Summary

Application No.

09/384,839

Applicant(s)

WHITE ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

Claims 1-19 are presented for examination.

On page 2 of the amendment filed on July 18, 2002, the Applicants have indicated that a marked up version showing amendments to any claims being changed is provided in accompanying pages separate from the amendment. However, only marked up version of the specification is included with the reply.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been fully considered but are moot in view of the new ground(s) of rejection.

Drawings

The corrected or substitute drawings were received on July 18, 2002. These drawings are acceptable.

Specification

The disclosure is objected to because of the following informalities: since the original drawing has been broken down into 2 separate figures, their respective descriptions in the specification should be revised. Appropriate correction is required.

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The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "Print Attributes 34" on page 10, line 21, 26, and 28.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by *LAN Attached and UNIX Printing for VINES® Administrator's Manual* by Incognito Software Inc (ISI).

In regards to claim 1, 7, 13, and 19 ISI teaches in a networked computer system including at least one client system, a print server and at least one printer accessible to the print server wherein the at least one client system and the print server are interconnected by a communications network and wherein a client system includes a processor for executing an application program for issuing a print job including print instructions for printing a document file and document data to be printed to the print server, the print server being responsive to a print job for directing the print instructions and document data to a printer accessible to the providing corresponding job result information to the print server, a system resource usage monitoring system, comprising:

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in the print server, a job processor for forwarding the print instructions and document data of a print job to a printer accessible to the print server (page 10, figure 1),

and extracting job attribute information from the print job wherein the job attribute information includes information identifying system resources to be used in executing the print job (Accounting: page 12),

and forwarding the job attribute information and the job result information to a resource collecting server, the resource collecting sever including a resource collector for receiving the job attribute information and the job result information and generating corresponding job detail information representing system resources used in executing the print job, and a database for storing the job details (Reports: page 13; Quota Example, page 15).

Regarding claim 19, ISI teaches the method for monitoring usage of system resources of claim 13 wherein the resource is a printer, the resource job is a print job and the job instructions and job data of the resource job are printing instructions and document data (Understanding TOLPD, pages 9-22).

Regarding claims 3, 4, 9, 10, 15, and 16 ISI teaches the resource usage monitoring system wherein: the resource agent includes a dynamic discovery function for identifying a current location of a current resource collecting server on the network, for transmitting job attribute information and job result information to the current resource collecting server (The General Model: page 11: Example: 2nd paragraph, “using TCP/IP, the VINES server figures out the location of the UNIX queue...”).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6, 8, 11, 12, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ISI.

Regarding claims 2, 8, and 14, ISI discloses the resource usage monitoring system of claim 7, further comprising: a resource manager system communicating with a resource collecting server for reading the job details from the database and providing the job details to a user of the resource manager system for monitoring resource usage (The General Model: page 10, figure 1; Reports: page 13 line 1; Quota File: page 20).

ISI does not disclose explicitly whether the resource manager system communicating with the resource collecting server through the network or not.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to separate the resource manager system and the resource collecting server by having them communicating to each other through the network in order to balance the load of the resource server. Applicant has not disclosed that enabling the resource manager to communicate with the resource collecting server though the network provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the resource manager

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system couple with the resource collecting server, as one unit in order to reduce the cost in hardware purchase of the servers.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the resource manager system communicating with the resource collecting server to obtain the invention as specified in claims 2, 8, and 14.

Regarding claims 5, 6, 11, 12, 17 and 18, the closest prior art of record (ISI) teaches:

a network printer accessible to the client system, wherein the client system transmits the print instructions and document data of a print job to the network printer (figure 1, page 10), and a job capture mechanism for capturing the print instructions and document data transmitted to the network printer and job result information returned by the network printer (Accounting: page 12), extracting the job attribute information from the captured print instructions and document data (Accounting: page 12), and forwarding the print instructions, document data and job result information to the print server (Reports: page 13; Quota Example, page 15).

However, ISI fails to teach the resource usage monitoring system, wherein: a client system further includes: a local printer accessible to the client system, wherein the client system transmits the print instructions and document data of a print job to the local printer, and a job capture mechanism for capturing the print instructions and document data transmitted to the local printer and job result information returned by the local printer, extracting the job attribute information from the captured print instructions and document data, and forwarding the print instructions, document data and job result information to the print server. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to employ a local printer, in addition to network printers, accessible to the client system and forwarding the

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print instructions document data and job result information to the print server in order to maximize the print servers status control and capability over the entire network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,220,674 issued to Morgan et al.

U.S. Patent No. 5,935,262 issued to Barrett et al.

G.B. Patent No. 2,331,387 A issued to Wilson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9112 for regular communications and (703) 305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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September 6, 2002


DAVID WILEY
PRIMARY EXAMINER

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